

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA
v.
EDWARD KELLEY

No. 3:22-CR-118

Judge Varlan

**UNITED STATES' SUPPLEMENTAL RESPONSE TO DEFENDANT'S
MOTION TO VACATE JURY CONVICTION AND DISMISS INDICTMENT**

On March 7, 2025, the United States submitted a response opposing the defendant's motion to dismiss the indictment (Doc. 95). In part, the United States argued that the defendant's conduct in this case was unrelated in both time and place to the events that occurred at or near the United States Capitol on January 6, 2021, and therefore, the plain language of the Proclamation does not apply to the defendant's East Tennessee case.

In support of this argument, the United States cited as an example, *United States v. Wilson*, D.D.C. Case No. 1:23-cr-427. In *Wilson*, the U.S. Attorney's Office for the District of Columbia originally argued that the defendant's firearm convictions were not covered by the Proclamation and the court agreed. See *United States v. Wilson*, D.D.C. Case No. 1:23-cr-427, Doc. 103, Minute Order, Feb. 7, 2025. The United States submits this supplement to inform the Court that on February 25, 2025, the U.S. Attorney's Office for the District of Columbia changed its earlier position in *Wilson* and now asserts that the Proclamation covers Wilson's firearm convictions. *Id.* at Doc. 108.

In this case, the position of the United States has not changed. The offenses for which the defendant was found guilty by an East Tennessee jury are the products of the defendant's independent volitional acts. They are not related to events at or near the U.S. Capitol on January 6, 2021, and Federal Rule of Criminal Procedure 48(a) does not permit the defendant to compel the

United States to dismiss a case it does not wish to dismiss. The defendant's motion should be denied, and he should be sentenced as scheduled on May 7, 2025.

Respectfully submitted,

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